IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 596 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UNITED INDIA INSURANCE CO. LTD.

Versus

GULABBHAI R PATEL

Appearance:

1. Misc.Civil Application No. 596 of 2004

MR PV NANAVATI for Petitioner No. 1

MR VIBHUTI NANAVATI for Petitioner No. 1

RULE SERVED BY DS for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 28/04/2004

ORAL JUDGEMENT

By filing this application, the applicant United India Insurance Company Ltd., has prayed that Motor

Accident Claims Petition No.78/2004, which is pending before the Motor Accident Claims Tribunal at Navsari be transferred to Motor Accident Claims Tribunal at Surat.

2) An unfortunate accident had occurred on 1-11-2003 at about 10 p.m., when the luxury bus bearing registration No.GJ-5-Z-234, which was going from Panchgini to Pune met with an accident, as the driver lost control over the vehicle and the vehicle plunged into a Ghat resulting into causing death to 21 occupants of the said bus and so many passengers were also injured in the said accident.

3) There are various claim petitions filed before the Motor Accident Claims Tribunal, Surat, in connection with the said accident, number of such cases are given in para 2 of this application. So far as present respondent No.1 is concerned, he has filed a Motor Accident Claims Petition No.78/2004 before the Motor Accident Claims Tribunal at Navsari. Since most of the claim petitions are pending before the Motor Accident Claims Tribunal at Surat, the Insurance Company has prayed that claim petition pending at Navsari may be transferred to Motor Accident Claims Tribunal at Surat so that all these cases can be heard together, as it arises out of one accident.

4) In response to the notice of this Court, on behalf of the original claimant-respondent No.1, learned advocate Ms.Meeta Panchal is appearing. She submitted that she has no objection if this application is granted.

5) Considering the facts and circumstances of the case, this Misc.Civil Application is allowed. Motor Accident Claims Petition No.78/2004, which is pending before the Motor Accident Claims Tribunal at Navsari is ordered to be transferred to Motor Accident Claims Tribunal at Surat. After such transfer, said claims petition is ordered to be heard with other cognate matters, which are pending before the Motor Accident Claims Tribunal, Surat.

6) Accordingly, this Misc.Civil Application is allowed. Rule is made absolute. No costs.

7) Writ to be sent to the Motor Accident Claims Tribunal, Navsari, forthwith for transferring case papers of aforesaid case to Motor Accident Claims Tribunal, Surat.

(P.B.Majmudar,J.)

/malek